



MONTANA AUDUBON

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Comments Provided via E-mail to: [<dnrchcp@mt.gov>](mailto:dnrchcp@mt.gov)

Dear Mr. O'Herron and Ms. Ports,

Please accept the following comments from Montana Audubon on the Dept of Natural Resources and Conservation's (DNRC) Final Environmental Impact Statement (FEIS) on a Habitat Conservation Plan (HCP) for Forested Trust Lands.

Montana Audubon is the coordinating entity for the nine Audubon Society Chapters in Montana. Currently there are approximately 3,800 Audubon members in the state. Although our membership is diverse, there is a consistent deep concern for the continuing loss of vital wildlife habitat in the state. Sustainable management of Montana's school trust lands is also a priority issue for Montana Audubon. You may receive comments from other members in the Society.

We make the following recommendations for changes to the FEIS for the HCP:

1. The FEIS states that the goal of the HCP is to protect threatened species "to the maximum extent practicable" (Executive Summary, p.1). However, in spite of changes made since the Draft EIS, we do not feel that the selected "preferred alternative" achieves that goal. However, a strengthened Alternative 3 could reach this goal if it was designed properly. The preferred alternative needs to: (a) increase core areas, rather than allow them to decline; (b) decrease open and total road densities; (c) rely more heavily on road obliteration, rather than seasonal closures; and (d) increase riparian corridors.
2. We feel strongly that the 50-year time frame for the HCP is too long. Instead the plan should apply only for 10 years maximum. Although we understand that a 50-year timeframe has been a 'traditional' timeframe for HCPs, that fact is not a good enough reasons to continue

this practice. With Montana—and school trust lands—influenced more and more by climate change issues, including extensive beetle kills in forests, beetle kills reaching higher elevation forests such as white-bark pine, increased fire, and more, it makes no sense to agree to a plan that is supposed to protect threatened species for such a long timeframe. There is a significant chance that the forest landscape on school trust land is going to change dramatically even in the next decade. Consequently, it does not make sense to agree to a plan that will be in effect in 5 decades—things are changing too rapidly now.

3. Although the FEIS discusses the potential implications of climate change, it only discusses climate change in a few paragraphs—and then basically considers this important issue to be because a ‘changed circumstance’ that will be addressed sometime in the future. If DNRC can not agree on what to do about climate change when trying to protect five species in 2010, how will the agency manage this issue in 10 – 20 – or 50 year? The HCP needs to more directly address this issue and how it will specifically be addressed in management decisions.
4. The FEIS continues to ignore the large body of scientific evidence that roads and high road densities can significantly impact fish, wildlife, water quality, and other resources. Additionally, all alternatives will allow building more miles of roads in the HCP area. This makes no sense. The preferred alternative needs to contain road densities and road closures that benefit grizzly bear populations.
5. The HCP does not contain clear, science-based standards to maintain understory cover in lynx habitat for snowshoe hares, the lynx’s main prey. As a result, the HCP will be difficult, if not impossible to enforce. The HCP also states that DNRC will maintain small, shade-tolerant trees, but does not say how this standard will be measured. Additionally, the HCP contains a loophole, allowing DNRC to remove shade-tolerant trees wherever they compete with crop trees. And finally, the HCP proposes to retain just 65% of its lynx habitat in suitable condition, when comparable plans (Washington DNR, USFS) require retaining 70% suitable habitat.
6. DNRC has not yet developed a conservation alternative that contains science-based standards to maintain lynx habitat. Although DNRC added a standard in the FEIS to maintain 20% of the lynx’s winter foraging habitat (mature forests where lynx hunt snowshoe hares), and to protect 20% of the lynx’s summer foraging habitat from pre-commercial thinning (to help maintain cover and browse for hares in young stands), it created too many exceptions to the new standard. For example, DNRC need not maintain hare habitat where it may compete with crop trees, and insists on exemptions to the 20% standard where it conflicts with its timber objectives. These inadequacies need to be addressed.
7. The HCP/FIES still do not provide adequate streamside buffers. Although increasing the streamside buffer from 25 feet to 50 feet is a step in the right direction, the standard is not based on science on what is needed to protect bull trout, cutthroat trout, and the aquatic environment on which they depend. The FEIS correctly states that timber harvest impacts on streams decrease with increased buffer widths. Yet the preferred alternative still only allows 50-foot stream buffers that retain all of the native vegetation, with a slightly larger area where a significant amount of the native vegetation can be removed. The FEIS portrays the

50-foot section of the stream buffer as a ‘no-cut’ area. However, numerous exceptions would continue to allow for salvage logging in these areas. For example, the HCP would still allow borrow pits in Streamside Management Zones, allowing roads in Riparian Management Zones and Wetland Management Zones and avalanche chutes, and allow salvage logging in Riparian Management Zones. The FEIS fails to provide any scientific basis to justify the adequacy of its small buffers. The only support for this significant policy is that the SMZ law, ARMs, BMPs and forest management policies are “generally effective” at minimizing soil disturbance is a DNRC implementation monitoring report (see page 4-116).

Montana’s Streamside Management Zone (SMZ) law (77-5-301 MCA) is not based on scientific buffer widths—instead it was developed in a political environment. That law, which prohibits clearcutting timber within 50 feet of a stream, was designed to help protect forest streams. Every two years audits are conducted under the SMZ program. These audits are done to determine compliance with all aspects of the law—and they do NOT determine if water quality is being protected adequately for fisheries. The audits specifically document how many randomly selected logging operations followed specific rules; water quality in streams adjacent to logging operations is not measured for improvements or impacts from logging operations. Therefore, although the SMZ program helps water quality, it is IMPOSSIBLE to say that this law protects water quality for fisheries considered by the HCP.

The State of Montana’s Nonpoint Source Management Plan, which was approved by the U.S. Environmental Protection Agency (EPA) in July 2007 states that a “buffer of at least 100 feet is recommended for water quality protection...Minimum widths for buffers should be 50 feet for low order headwaters streams, with expansion to as much as 200 feet or more for larger streams.” Montana’s Nonpoint Source Management Plan identifies locally-adopted water body setbacks as important “Best Management Practices” to protect and improve water quality from nonpoint source pollution (Montana Department of Environmental Quality, 2007).

Protecting water quality is directly linked to protecting clean water for the trout species that the HCP is supposed to protect. Additionally, the 50-foot buffer does not appear adequate for recruitment of large woody debris. To maintain fish populations and fish habitat, at least a 45-meter (150-foot) vegetated buffer is recommended because without adequate large woody debris recruitment, a critical habitat component is missing from the aquatic ecosystem (Knutson and Naef, 1997). A larger buffer needs to be adopted in the HCP.

Thank you for the opportunity to comment on the Final HCP/FEIS. We agree with others who have provided comments on this document (e.g. Defenders of Wildlife, Natural Resources Defense Council, Montana Environmental Information Center, and Friends of the Wild Swan):

we do not believe that this HCP adequately minimizes and mitigates “take” of listed species. Based on the FEIS, an incidental take permit should *not* be granted by the USFWS until revisions can be made to HCP based on science.

Sincerely,



Janet H. Ellis
Program Director

Literature Cited:

Knutson, K.L. and V.L. Naef. 1997. Management recommendations for Washington's priority habitats: riparian. Wash. Dept. Fish and Wildlife, Olympia, WA 181 pp.

Montana Department of Environmental Quality (DEQ). 2007. Montana Nonpoint Source Management Plan. Helena, Montana. Water Quality Planning Bureau. 138 pp.